

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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CHARLES HARRIS	:	CIVIL ACTION NO.: 2:20-cv-01350
	:	
Plaintiff,	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al.	:	
	:	
Defendants,	:	JURY TRIAL DEMANDED

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**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2024, upon consideration of the Motion for Sanctions of Defendants, Officer Linwood Norman, Officer Thomas Liciardello, Officer Michael Spicer, Officer Brian Reynolds, Officer Perry Betts, and Officer John Speiser, for Failure to Comply with the Order, dated April 10, 2024, and any Response thereto, it is **ORDERED** and **DECREED** that said Motion is **GRANTED**.

Plaintiff, Charles Harris, is **ORDERED** to provide full, complete, and verified responses to Defendants' First Set of Interrogatories Directed to Plaintiff, First Set of Requests for Production of Documents Directed to Plaintiff, and Requests for Admissions Directed to Plaintiff, within five (5) days of the date of this Order. If Plaintiff fails to comply with the present Order and produce responses within the designated timeframe, upon further Motion to the Court, Plaintiff's Complaint will be dismissed for failure to prosecute.

**BY THE COURT:**

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J.

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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CHARLES HARRIS	:	CIVIL ACTION NO.: 2:20-cv-01350
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al.	:	
	:	
Defendants,	:	JURY TRIAL DEMANDED


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**MOTION FOR SANCTIONS OF DEFENDANTS, OFFICER LINWOOD NORMAN,  
OFFICER THOMAS LICIARDELLO, OFFICER MICHAEL SPICER, OFFICER  
BRIAN REYNOLDS, OFFICER PERRY BETTS, AND OFFICER JOHN SPEISER,  
FOR PLAINTIFF’S FAILURE TO COMPLY WITH COURT ORDER**

Defendants, Officer Linwood Norman, Officer Thomas Liciardello, Officer Michael Spicer, Officer Brian Reynolds, Officer Perry Betts, and Officer John Speiser, (hereinafter “Moving Defendants”), by and through their undersigned counsel, Marshall Dennehey, P.C., respectfully moves for sanctions against Plaintiff, Charles Harris, pursuant to Federal Rule of Civil Procedure 37, requesting this Honorable Court enter the proposed Order for the reasons set forth in the accompanying Memorandum of Law, incorporated herein by reference.

Respectfully submitted,

**MARSHALL DENNEHEY, P.C.**

BY:   
\_\_\_\_\_  
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*Attorney for Defendants,  
Officer Norman, Officer Thomas Liciardello,  
Officer Michael Spicer, Officer Brian Reynolds,  
Officer Perry Betts, and Officer John Speiser*

Date: May 16, 2024

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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CHARLES HARRIS	:	CIVIL ACTION NO.: 2:20-cv-01350
	:	
Plaintiff,	:	
v.	:	
	:	
CITY OF PHILADELPHIA, et al.	:	
	:	
Defendants,	:	JURY TRIAL DEMANDED

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**MEMORANDUM OF LAW IN SUPPORT OF THE MOTION FOR SANCTIONS  
OF DEFENDANTS, OFFICER LINWOOD NORMAN, OFFICER THOMAS  
LICIARDELLO, OFFICER MICHAEL SPICER, OFFICER BRIAN REYNOLDS,  
OFFICER PERRY BETTS, AND OFFICER JOHN SPEISER, FOR PLAINTIFF’S  
FAILURE TO COMPLY WITH COURT ORDER**

Defendants, Officer Linwood Norman, Officer Thomas Liciardello, Officer Michael Spicer, Officer Brian Reynolds, Officer Perry Betts, and Officer John Speiser, (hereinafter “Moving Defendants”), by and through their undersigned counsel, Marshall Dennehey, P.C., moves this Honorable Court for sanctions pursuant to Federal Rule of Civil Procedure 37 against Plaintiff, Charles Harris, and respectfully submits the instant Memorandum of Law in Support of the Motion for Sanctions for Plaintiff’s Failure to Comply with Court Order.

**I. STATEMENT OF FACTS**

On March 10, 2020, Plaintiff, Charles Harris, initiated the present action in which he alleges violations of 42 U.S.C. § 1983 related to unlawful arrest and detention, unlawful search and seizure, malicious prosecution, and the right to be secure in one’s person and property and to due process of law. ECF #[1] at ¶¶ 37-38. Because this case was a claim related to the on-going litigation concerning Philadelphia Police Department’s Narcotics Field Unit (“NFU”), it was placed in the Civil Suspense Docket on March 10, 2020. ECF #[3]. Pursuant to the Court’s

November 15, 2023 Order, the present matter was removed from Suspense and restored to the active docket. ECF #[5].

On February 16, 2024, counsel for Moving Defendants filed their Motion to Dismiss Plaintiff's Complaint. ECF #[23]. In light of the discrepancies raised within Moving Defendants' Motion to Dismiss, Plaintiff filed an Amended Complaint on March 10, 2024. ECF #[27]. Moving Defendants filed a Motion to Dismiss Plaintiff's Amended Complaint on April 8, 2024, which is currently pending before this Honorable Court. ECF #[31]. Pursuant to this Honorable Court's Order, dated February 20, 2024, all fact discovery shall be completed by June 14, 2024. ECF #[25].

On February 29, 2024, counsel for Defendants served Plaintiff with its First Set of Interrogatories Directed to Plaintiff, First Set of Requests for Production of Documents Directed to Plaintiff, and Requests for Admission Directed to Plaintiff. On April 3, 2024, counsel for Defendants served Plaintiff with a 5-day notice advising that Plaintiff's discovery responses are overdue. Since Plaintiff's counsel did not respond to Moving Defendants' discovery requests or correspondence regarding same, Moving Defendants filed the Motion to Compel Plaintiff's Discovery Responses on April 8, 2024. ECF #[32]. Pursuant to this Honorable Court's Order, dated April 10, 2024, Plaintiff shall serve full and complete answers to Moving Defendants' discovery requests no later than April 26, 2024. ECF #[33].

As of the filing of this Motion, Plaintiff has neither provided responses to Moving Defendant's discovery requests nor responded to counsel for Moving Defendants' correspondence requesting status updates on when counsel may expect to receive Plaintiff's responses. Moving Defendants have made several attempts to obtain discovery in this matter and move forward with defending these claims. However, Moving Defendants cannot properly defend themselves without responses to Defendants' First Set of Interrogatories Directed to Plaintiff, First Set of Requests for

Production of Documents Directed to Plaintiff, and Requests for Admission Directed to Plaintiff. Consequently, this is the Motion for Sanctions of Defendants pursuant to Federal Rule of Civil Procedure 37.

## **II. ARGUMENT**

Federal Rule of Civil Procedure 34 entitles Defendants to full, complete and verified responses to their Request for Production of Documents. See FED. R. CIV. P. 34. Federal Rule of Civil Procedure 37 "authorizes the Court to sanction a party for discovery abuses." See Fed. R. Civ. P. 37. The "Rule's purposes are to: (1) penalize the culpable party or attorney; (2) deter others from engaging in similar conduct; (3) compensate the court and other parties for the expense caused by the abusive conduct; and (4) compel discovery and disclosure." Wachtel v. Health Net, Inc., 239 F.R.D. 81, 99 (D.N.J. 2006); see also Nat'l Hockey League, 427 U.S. at 643; Carlucci v. Piper Aircraft Corp., 775 F.2d 1440, 1453 (11th Cir. 1985).

To date, Plaintiff has not responded to the Discovery Requests, and there is no date certain by which Moving Defendant can expect to receive Plaintiff's Responses. Moving Defendants have been severely prejudiced as they cannot fully plan and prepare their defenses in this matter due to Plaintiff's failure to participate in discovery or comply with this Honorable Court' Order, dated April 10, 2024. Consequently, Moving Defendants have no recourse but to request that this Court sanction Plaintiff and require him to produce full, complete, and verified discovery responses within five (5) days of this Honorable Court's entry of the proposed Order, or risk dismissal of Plaintiff's Complaint, with prejudice.

## **III. CONCLUSION**

For the foregoing reasons, Moving Defendants, Officer Linwood Norman, Officer Thomas Liciardello, Officer Michael Spicer, Officer Brian Reynolds, Officer Perry Betts, and Officer John

Speiser, respectfully request this Honorable Court grant the current Motion and enter an Order in the form attached hereto.

**MARSHALL DENNEHEY, P.C.**

BY:



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*Attorney for Defendants,*

*Officer Norman, Officer Thomas Liciardello,*

*Officer Michael Spicer, Officer Brian Reynolds,*

*Officer Perry Betts, and Officer John Speiser*

Date: May 16, 2024

**CERTIFICATE OF SERVICE**

I, JOHN P. GONZALES, ESQUIRE, do hereby certify that a true and correct copy of the Motion for Sanctions of Defendants, Officer Linwood Norman, Officer Thomas Liciardello, Officer Michael Spicer, Officer Brian Reynolds, Officer Perry Betts, and Officer John Speiser, for Plaintiff's Failure to Comply with Court Order, was electronically filed with the Court on the date below and is available for viewing and downloading from the ECF System.

**MARSHALL DENNEHEY, P.C.**

BY:



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*Attorney for Defendants,*

*Officer Norman, Officer Thomas Liciardello,*

*Officer Michael Spicer, Officer Brian Reynolds,*

*Officer Perry Betts, and Officer John Speiser*

Date: May 16, 2024